



OFFICE OF  
**INSPECTOR  
GENERAL**  
UNITED STATES POSTAL SERVICE

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# HIGHLIGHTS

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September 21, 2012

## Postal Service Challenges in the Equal Employment Opportunity Process

Report Number HR-MA-12 003

### **BACKGROUND:**

Various statutes, regulations, and executive orders provide the framework of the Equal Employment Opportunity (EEO) policy that prohibits unlawful discrimination. The U.S. Postal Service's EEO Program is consistent with the federal government's efforts to establish a bias-free workplace. The Equal Employment Opportunity Commission (EEOC) investigates discrimination complaints based on an individual's race, color, national origin, religion, sex, age, disability, and retaliation for reporting and/or opposing a discriminatory practice. Our objective was to review EEOC rules and regulations for processing class action complaints and how these rules apply to the Postal Service and private companies. This report responds to a request from the Postal Service's general counsel and executive vice president.

### **WHAT THE OIG FOUND:**

The EEOC's process for certifying class action complaints by federal employees is less rigorous than the legal process governing class actions filed in federal court under the Federal Rules of Civil Procedure (FRCP) by employees in the private sector. Specifically, federal employees are required to meet fewer requirements for a case to be certified as a class action by the EEOC. Most importantly, federal agencies can only appeal the EEOC's class certification

decision to the Office of Federal Operations, which is an office within the EEOC. If the Office of Federal Operations upholds the EEOC's decision, the agency has exhausted its appeal rights regarding certification. Moreover, an independent review by the court system of critical class certification decisions is not an option for the Postal Service. As a result, the Postal Service can be required to expend significant resources litigating a class action complaint that may not meet requirements for class certification in federal court.

We also attempted to review time employees spent on EEO matters and found the Postal Service does not segregate EEO case activity time. As a result, management is not able to determine how much official time employees spend on EEO-related activities.

### **WHAT THE OIG RECOMMENDED:**

We recommended that management pursue changes to the EEOC's class certification process consistent with the process and appeals procedures set forth in the FRCP, as applied by federal courts. We also recommended management implement measures to track official time spent on EEO activities.